

MEMORANDUM OPINION¹

This is an appeal from a chancery decree awarding specific performance to the purchasers of a tract of real estate and denying a counterclaim for rent. The lower court rendered the decree after a full evidentiary hearing on the merits. The appellant has not furnished this court with a transcript of the evidence heard at the trial.

The only issues raised on appeal relate to the preponderance of the evidence. Without a transcript of the evidence presented at the trial, we must conclusively presume that the facts support the chancellor's decree. *Leek v. Powell*, 884 S.W.2d 118 (Tenn. App. 1994).

We, therefore, affirm the judgment below. Remand the cause to the Chancery Court of Cheatham County for any further proceedings necessary. Tax the costs on appeal to the appellant.

BEN H. CANTRELL,
PRESIDING JUDGE, M.S.

CONCUR:

WILLIAM B. CAIN, JUDGE

PATRICIA J. COTTRELL, JUDGE

¹Rule 10(b) of the Rules of the Court of Appeals reads as follows:

The Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in a subsequent unrelated case.

